



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,445	09/19/2006	Naoto Yumiki	069804-0164	9937
53080 7590 04/17/2009 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, NW WASHINGTON, DC 20005-3096				
EXAMINER				
FULLER, RODNEY EVAN				
ART UNIT		PAPER NUMBER		
2862				
MAIL DATE		DELIVERY MODE		
04/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,445

Applicant(s)

YUMIKI, NAOTO

Examiner

Rodney E. Fuller

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,5-11 and 13 is/are rejected.
7) ☒ Claim(s) 3,4 and 12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/19/06, 3/6/09
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Washisu Koichi (JP 2005-204185).

Regarding claim 1, Washisu discloses “an image blur compensation section for compensating a blur of the image (abstract, lines 3-4); an operation section for setting the consecutive shooting mode (abstract lines 5-6), wherein: when the consecutive shooting mode is set by the operation section (abstract lines 5-6), in response to the one operation of the shutter operation section, shooting with compensation of the blur of the image (abstract, lines 8-9) and shooting without the compensation are consecutively performed (abstract, lines 6-8).”

Regarding claim 13, Washisu discloses “wherein consecutively performing shooting with compensation of the blur of the image and shooting without the compensation includes performing first shooting without the compensation of the blur of the image and second shooting with the compensation of the blur of the image. (abstract, lines 6-9)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washisu Koichi (JP 2005-204185) in view of Yamamoto, et al. (US 6,771,308).

Washisu discloses all the structure set forth in the claims except for the common camera elements of (claims 2 and 9) display, (claim 5) an optical system with a telephoto lens, (claims 6 and 7) a flash, (claim 8) a signal output, (claim 10) a printing section and (11) a recording section. However, these common features of a camera where well known in the art at the time the invention was made as evident from the teaching of Yamamoto. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Washisu by including (claim 2) "a display for displaying the frames of the shot images, wherein the plurality of the consecutively shot frames of the image can be displayed on the display," (claim 5) "an optical system, wherein the optical system includes an imaging lens unit which is automatically set at a telephoto limit in conjunction with an operation of the operation section," (claim 6) "a flash generation section and a flash generation controller for prohibiting, in response to an operation of the operation section, the flash generation section from generating a flash," (claim 7) "a flash generation section and a flash generation controller for controlling, in response to operations of the operation section, a

quantity of a flash generated by the flash generation section,” (claim 8) an image signal output section for externally outputting the shot image signals of the shot image,” (claim 9) “a display for displaying the shot frames of the image in accordance with the shot image signals of the frames of the image,” (claim 10) an image printing section for printing the shot frames of the image in accordance with the shot image signals of the frames of the image,” and (claim 11) “a recording section for recording the plurality of consecutively shot frames of the image.” The ordinary artisan would have been motivated to modify Washisu by including the features noted above in order to make the camera multi-functional and user friendly.

Allowable Subject Matter

5. Claims 3, 4 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chujo, et al. (US 2007/0071426), Eerenberg, et al. (US 2007/0171979) and Ernst, et al. (US 2005/0129312).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney E Fuller/
Primary Examiner, Art Unit 2862

April 14, 2009